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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

41535-305539

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on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Application Number

10/649,607

Filed

August 28, 2003

First Named Inventor

Tetsushi OTAKE

Art Unit

2875

Examiner

Ward, John A.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

attorney or agent of record.

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July 21, 2006

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.



\*Total of 1 forms are submitted.

  
\_\_\_\_\_  
Signature

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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket: 041535-0305539  
Client Reference: 143565US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:  
OTAKE

Confirmation Number: 5289

Application No.: 10/649,607

Group Art Unit: 2875

Filed: August 28, 2003

Examiner: JOHN A. WARD

Title: BACKLIGHT DEVICE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commission for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Appeal filed herewith, Applicant respectfully requests review of the following grounds of rejection: 1) claims 1 and 2 under 35 U.S.C. § 102(b) over Takahashi et al. (U.S. Patent 6,781,648) and 2) claims 3 and 4 under 35 U.S.C. § 103(a) over Takahashi et al. in view of Schoniger et al. (U.S. Patent 5,027,258).

Claim 1 recites a backlight device for lighting a liquid crystal display device. The backlight device includes self-luminous sources in primary colors of red, green, and blue. The three primary colors from the self-luminous sources are mixed and synthesized into white light. The backlight device include a light-conducting plate and/or a light-scattering plate. The self-luminous sources of the three primary colors are illuminated sequentially at different timings for each color and so that the self-luminous sources periodically illuminate in sequence by a switching operation. The light-generating timings for every two of the self-luminous sources partially overlap, which achieves time-division light-emission.

It is respectfully submitted that the Examiner has misunderstood and/or mischaracterized Applicant's arguments. The Examiner states on page 4, lines 5-7, of the Office Action, "Regarding the argument on page 4 that Takahashi et al does not simultaneously turning sources of the same primary colors on or off, this limitation is not cited in claim 1 of the instant application." (Italicized and underlining emphasis in original.)

Applicant clearly argued on page 4, lines 12-15, of the December 12, 2005 response

that Takahashi et al. disclose in column 5, lines 9-12, that the first and second blue LED's B1 and B2 are switched on simultaneously or off simultaneously. Similarly, the first and second red LED's R1 and R2 are switched on/off simultaneously.

As discussed above, claim 1 clearly recites that the self-luminous sources of the three primary colors are illuminated sequentially at different timings for each color. As also discussed above, Takahashi et al. clearly disclose that their primary color (i.e. red and blue) LED's are switched on (i.e. illuminated) and switched off simultaneously. LED's that are switched on and off simultaneously cannot be illuminated sequentially at different timings for each color, as recited in claim 1. Accordingly, Takahashi et al. cannot anticipate claim 1.

With respect to the Examiner's citation to column 3, lines 7-49, of Takahashi et al., for its alleged disclosure of sequentially setting the light sources for a time division mode, it is respectfully noted that column 3, lines 11-16, of Takahashi et al. disclose that light beams of the three primary colors are selectively emitted from the backlight and display patterns on the liquid-crystal shutter display panel are switched successively at a high speed to express the display patterns of R, G and B continuously in a time division mode to thereby make color display possible. (Underlining emphasis added.)

Claim 1 recites that the self-luminous sources in primary colors of red, green, and blue, wherein the three primary colors from the self-luminous sources being mixed and synthesized into white light, and the self-luminous sources of the three primary colors are illuminated sequentially at different timings for each color and so that the self-luminous sources periodically illuminate in sequence by a switching operation and the light-generating timings for every two of the self-luminous sources partially overlap, thereby achieving time-division light-emission. Claim 1 does not recite successively switching a shutter display of primary colors to achieve a color display, as disclosed by Takahashi et al. Therefore, Takahashi et al. do not anticipate claim 1.

With respect to the Examiner's arguments that Applicant has failed to show that the prior art fails to meet each and every limitation of the claims, it is respectfully submitted that Takahashi et al. do not disclose each and every feature of claim 1 for the reasons discussed above.

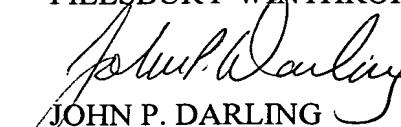
Moreover, with respect to Applicant's arguments in the December 12, 2005 response, regardless of whether Takahashi et al., or the combination of Takahashi et al. and Schoniger et al., include all the claim limitations, the combination fails to present a *prima facie* case of obviousness as there is no suggestion or motivation to combine the references. As discussed

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in the previous response, Schoniger et al. fail to cure the deficiencies of Takahashi et al. discussed above with respect to claim 1 and even assuming it would have been obvious to combine the references, the combination would not disclose or suggest all the limitations of claim 1 and would fail to present a *prima facie* case of obviousness.

Respectfully submitted,

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